IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SIXTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 19558 of 2004

Between:

A.Narsi Reddy S/o.Chandra Reddy
PKOC-II, Manugunuru Colleries Khammam District.

..... PETITIONER

AND

1 The General Manager The Singareni Colleries Company Ltd.,
Manugunu Colleries, Khammam District.
2 Project Officer, The Singareni Colleries Company Ltd.,
PKOC-II, Manugunuru Colleries Khammam District.
3 The Colleries Manager, The Singareni Colleries Company Ltd.,
PKOC-II, Manugunuru Colleries, Khammam District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue writ of Mandamus or any other appropriate writ or order or direction declaring the impugned action of the respondents in not placing the petitioner with suitable alternate employment and rant equallent to B grade and pay protection as illegal arbitrary and in violation of principles of natural justice and also violative of Section 47 of the persons with Disabilities (Equal opportunities, Protection of rights and full participation)Act 1995 apart from violative of fundamental rights guaranteed under Article 14, 16 and 21 of the Constitution of India consequentially direct the respondents to place the petitioner in the post equallent to grant all consequential benefits and award costs and pass such other order or orders as the Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.CH.SUDHAKAR BABU

Counsel for the Respondents: MR.N.KRISHNA RAO

The Court made the following :

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ORAL ORDER

The petitioner worked as a vehicle driver (Category-V) in the respondent-Singareni Colleries Company from 01-09-1986. Later he was promoted as Terox Operator in "C" grade with effect from 01-09-1991. On 04-03-1995 he met with an accident while on duty and on account of that he lost his left eye. After recovery from the illness, he was declared by the Management as medically unfit to continue in the same post. He, therefore, approached the Management for alternative suitable job and the respondents appointed him as General Mazdoor through the proceedings dated 11-12-1995. The petitioner while working in the said capacity as a General Mazdoor for a period of nine years, now approached this Court with a grievance that the respondents did not give him the post of equivalent pay as per Section 47 of the Persons with Disabilities (Equal Opportunities, Protection of rights and Full Participation) Act,1995. The petitioner contends that he submitted a representation to the respondents on 23-09-2004 requesting to provide him the job equivalent to the job of Terox Operator or any job protecting his earlier pay scale. The grievance of the petitioner is that the first respondent did not pass any order on the said representation made by him.

In the light of the circumstances explained by the petitioner, the first respondent is directed to pass appropriate orders on the representation of the petitioner dated 23-09-2004 regarding his request for providing equivalent job or any other job protecting his earlier pay as per the existing rules within two(2) months from the date of receipt of a copy of this Order.

The Writ Petition is accordingly disposed of. No order as to costs.

_____ Dr.G.YETHIRAJULU, J.

Dated: 26th October, 2004.

*TSNR

To

1. The General Manager The Singareni Colleries Company Ltd.,
   Manugunu Colleries, Khammam District.
2 . The Project Officer, The Singareni Colleries Company Ltd.,
   PKOC-II, Manugunuru Colleries Khammam District.
3 The Colleries Manager, The Singareni Colleries Company Ltd.,
   PKOC-II, Manugunuru Colleries, Khammam District.

4. Two C.D.Copies